

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:95CR129
)	
PLAINTIFF,)	
)	JUDGE SARA LIOI
vs.)	
)	
LAURA J. HENDERSON,)	ORDER
)	
DEFENDANT.)	
)	

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge in the above-entitled action. (Doc. 93.) For the reasons that follow, the Court **ACCEPTS** the R&R.

On May 12, 2011, the government filed a writ of continuing garnishment, seeking to garnish monies owed to Henderson in the possession of Dinunzio Landscaping (the “garnishee”). (Doc. 75.) The garnishee filed an answer (Doc. 80) on June 10, 2011, stating that, at the time of service, it had in its possession or under its control, personal property belonging to and due defendant and that garnishee was indebted to defendant in the sum of approximately \$85.99, semi-monthly. On June 2, 2011, defendant was notified of her right to a hearing. (Doc. 79.)

On June 22, 2011, defendant filed a motion for a hearing (Doc. 81), which the Court referred to Magistrate Judge Kenneth S. McHargh. On January 11, 2012, the Magistrate Judge held a hearing on defendant’s motion. At the hearing, the parties informed the Magistrate Judge that they had reached an agreement with respect to the garnishment and submitted a proposed order reflecting that agreement.

The R&R indicates that the Magistrate Judge reviewed the transcript of the restitution proceedings (Doc. 63), during which the underlying restitution order was imposed, as well as the law and facts submitted by the parties, and that he recommends the Court adopt the parties proposed Joint Garnishment Order (Doc. 92). The parties have not filed any objections to the R&R,¹ and have therefore waived a *de novo* determination by the district court of the matters covered in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the R&R, **ACCEPTS** the same, and adopts the parties proposed Joint Garnishment Order as follows. IT IS ORDERED that Garnishee pay the sum of fifty dollars (\$50.00), semi-monthly, of defendant's disposable earnings [as defined in Title 28 U.S.C. §3002(5)] (less any court ordered child support or alimony payments) which was reported in Garnishee's answer, from the date of this order to plaintiff and continue said payments until the debt to the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the debtor or until further order of this court.

IT IS SO ORDERED.

Dated: February 7, 2012



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

¹ The R&R was filed on January 12, 2012. Under Fed. R. Civ. P. 6(d), an additional three days are added when computing service. Therefore, objections were not due until January 29, 2012, which fell on a Sunday. Under Rule 6(a)(1)(C), that extended the filing deadline to February 1, 2012. No objections were filed on or before that deadline.